IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Patent Application of

Paul W. HODGSON — Atty. Ref.: 36-1885

Appl. No. 10/522,919 — TC/A.U. 2146 - Confirmation No. 4217

Filed: January 31, 2005 — Examiner: Shaq Taha

For: SERVER

* * * * * * * * * * * *

July 8, 2008

MAIL STOP 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR REFUND

Applicant respectfully requests a refund in the amount of $460.00 in view of the following circumstances.

Applicant's representative received a final office action mailed February 6, 2008, in connection with the subject application, which office action failed to indicate a shortened statutory period for response thereto. As stated in the office action summary, in the absence of a specified time period for response, "the maximum statutory period will apply and will expire SIX (6)MONTHS from the mailing date" of the office action.

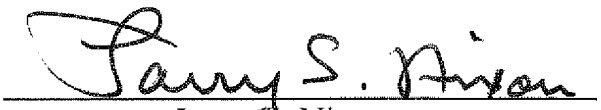
On July 7, 2008, applicant's undersigned attorney electronically submitted a response to the final office action in the form of an RCE and an amendment, and also

remitted $460.00 for a two-month extension of time. However, in view of the above-quoted statement in the office action summary, applicant was not required to pay any extension of time fees inasmuch as the reply was filed within the six-month statutory period for reply. As evidence of the absence of the setting of a shortened statutory period for reply, applicant attaches hereto a copy of the office action summary in issue, as well as the electronic receipt evidencing remittance of the $460.00 for a two-month extension of time fee.

Accordingly, it is respectfully requested that a refund in the amount of $460.00 be credited to the American Express credit card account (ending in 22021) of the under-signed attorney at the earliest possible date.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
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Office Action Summary	Application No.	Applicant(s)	
	11/097,331	ESTABLE, LUIS PABLO	
	Examiner	Art Unit	
	Shaq Taha	2146	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Electronic Acknowledgement Receipt

EFS ID:	3572161
Application Number:	10522919
International Application Number:	
Confirmation Number:	4217
Title of Invention:	Server for sending electronics messages
First Named Inventor/Applicant Name:	Paul W Hodgson
Customer Number:	23117
Filer:	Larry S. Nixon/Laura E. Furtado
Filer Authorized By:	Larry S. Nixon
Attorney Docket Number:	36-1885
Receipt Date:	07-JUL-2008
Filing Date:	31-JAN-2005
Time Stamp:	14:05:17
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$1270
RAM confirmation Number	9682
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes) /Message Digest	Multi Part /.zip	Pages (if appl.)

1		36-1885_RCE.pdf	733390 a27dc47d355e8b0d77cd84ac339d79d aec6f1345	yes	27

Multipart Description/PDF files in .zip description		
Document Description	**Start**	**End**
Request for Continued Examination (RCE)	1	1
Amendment Submitted/Entered with Filing of CPA/RCE	2	2
Claims	3	19
Applicant Arguments/Remarks Made in an Amendment	20	27

Warnings:

Information:

2	Fee Worksheet (PTO-06)	fee-info.pdf	8317 3fbd9173aa50b642552b41f20dc8a216 84c1c654	no	2

Warnings:

Information:

Total Files Size (in bytes):	741707

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.